



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

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OSEP 02-03

MEMORANDUM

To: State Directors of Special Education and State Data Managers
From: Ruth E. Ryder *Ruth E. Ryder*
Director, Monitoring and State Improvement
Planning Division, OSEP, OSERS
Subject: Clarification/Corrections for the Submission Requirements of the Biennial Performance Report due May 31, 2002 (OMB NO: 1820-0624)

State Education Agency staff assisting in the completion of the Biennial Performance Report due May 31, 2002, should note the following items:

Item #1 – Correction:

Section 1.1: Participation in and Performance on Assessment (34 CFR §§300.138 and 300.139) – Page 6-7 of the Biennial Performance Report Submission Requirements

Step 6 should read as follows:

Step 6: Submit the following materials as attachments to the Biennial Performance Report for **SY 2000-2001:**

- Copy of State guidelines for participation in alternate assessments; and
- **Sample** of a district-level report of State-wide testing results (select a district that has at least a grand total of 500 students in enrollment).

Item #2 – Clarification:

Section 2: Suspension and Expulsion (34 CFR §300.146) – Pages 12-13 of the Biennial Performance Report Submission Requirements

Step 1 should read as follows:

Step 1: In the cell labeled Performance Data, on Table 2, provide suspension and expulsion performance data for the most current year (July 1, 2000 through June 30, 2001). States must use the data that were reported for **Table 5, Section A, Columns 3A and 3B**, Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days of the Annual Report of Children Served for SY 2000-2001. Table 5 can be found at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>. If an attachment is used to provide data, enter "Refer to attached Suspension and Expulsion Table" in the cell labeled Performance Data on Table 2.

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Note: Suspensions and Expulsions reported in **Table 5, Section A, Columns 3A and 3B** are considered long-term suspensions and expulsions as noted in 34 CFR §300.146(a). (See Step 2, page 12.)

Step 2 states:

Step 2: In the cell Explanation/Discussion for Suspension and Expulsion Data, on Table 2, describe the results of the State's examination of data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities, as required at 34 CFR §300.146(a). The States examination must include either a comparison:

- Among local educational agencies within the State, or
- To the rates for nondisabled children within the agencies.

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

If the State needs to explain the performance data, the explanation should be provided in this section.

Note: As the instructions indicate in Step 2, States have a choice of either making their comparison: (1) among local educational agencies within the State or (2) to the rates for nondisabled children within the agencies. If States choose to make their comparison using Method 1, i.e., among local educational agencies within the State, States will only include children with disabilities in their comparison. If States choose to make their comparison using Method 2, i.e., to the rates for nondisabled children within the agencies, States will include **both** children with disabilities and nondisabled children in their comparison.

If a State has no data for nondisabled children that are comparable to data found in **both** Columns 3A and 3B of Table 5, Section A, then Method 1 must be used in Step 2 of this section of the report. Method 2 should only be used when a State has data for nondisabled children that are comparable to **both** Columns 3A and 3B of Table 5, Section A. (See Step 1 on the previous page.)

Item #3 – Correction:

The footnote for **Table 1B, Participation in/Performance** of Students Receiving Special Education Services on General Assessments, should read:

If ALL information found in Table **1B** is being reported as part of the State's "report to the public" (34 CFR §300.139(b)), then Table **1B** is NOT required. Instead, submit a copy of the State's "report to the public" with the Biennial Performance Report and indicate, in the row labeled Explanation/Discussion in Table 1, where the information found in Table **1B** can be located in the State's "report to the public".

The footnote for **Table 1C, Participation in/Performance** of Students Receiving Special Education Services on Alternate Assessments, should read:

If ALL information found in Table **1C** is being reported as part of the State's "report to the public" (34 CFR §300.139(b)), then Table **1C** is NOT required. Instead, submit a copy of the State's "report to the public" with the Biennial Performance Report and indicate, in the row labeled Explanation/Discussion in Table 1, where the information found in Table **1C** can be located in the State's "report to the public".

If you have any further questions about the Biennial Performance Report please contact Rex Shipp by calling (202) 401-4061.

cc: Federal Resource Center
Regional Resource Centers